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APPLICATION NO. -	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,702	09/18/2003	Stefan Karlinger	71130	4717
23872	7590	07/26/2005	EXAMINER	
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			LAVINDER, JACK W	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,702	Applicant(s) KARLINGER, STEFAN	
	Examiner Jack W. Lavinder	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 8-10, 13, 15, 16, and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 8-10 and 13, the original disclosure fails to disclose four joining structures having inner side concave surfaces. Only two of the joining structures have inner side concave surfaces. The other two joining structures have outer side concave surfaces.

Regarding claims 15, 16 and 19, the original disclosure fails to show an inner side joining structure having an outer side planar end face adjacent a convex end wall, an angled surface between the convex end wall and the concave surface, and an inner side planar end face adjacent the concave surface.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "outer side planar end face" has no antecedent basis. Also, the term opposite is indefinite. What is meant by opposite? The drawings don't show a concave surface joining an inner side at a point opposite the outer side planar end face. Nor do the drawings show a convex arcuate end wall portion smoothly joining the outer side opposite the outer side planar end face. Also, how can the convex arcuate end wall portion join the outer side opposite the outer side planar end face when both are on the outer side?

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-10, 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger, 3498642 in view of Henegar, 1332626.

Berger discloses the claimed invention except for the curved surfaces. Berger fails to disclose an inner side concave and convex end surfaces on the joining structures. Berger discloses every other aspect of the invention including the inclined back engaging surface (figure 8).

Henegar discloses joining structure very similar to Berger including the inner concave surface (6) and a convex end surface (9) with a curved back engaging surface that extends from the concave surface to the convex end surface.

It would have been obvious to a person having ordinary skill in the art to create the curved surfaces in Berger's joining structures as a matter of design choice, i.e., both the linear and curved surfaces perform the identical function of joining the two ring parts together equally as well as the other and there is no criticality disclosed in the specification with regard to the concave and convex shapes. Furthermore, if one of ordinary skill in the art wanted to increase the holding strength of the joining structures, it is widely known that creating curved smooth transitions in a metal structure, especially a hook type structure, dramatically increases the strength of the structure. The examiner is taking official notice of this fact. Therefore, it would have been obvious to curve the surfaces in Berger to increase the strength of the joining structures.

7. Claims 14, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva, 5358283 in view of Berger, 3498642 and Henegar.

Silva discloses a multi-piece functional part (14, 16) to be joined together and held together radially by a pair of ring parts (20, 22) with joining structures (30, 44, 48). Silva fails to disclose that the rings are identical in shape and that the joining structure comprises a plurality of concave and convex interlocking surfaces.

Berger and Henegar disclose identical ring parts with the appropriate concave and convex surfaces on the joining structure (see above rejections).

It would have been obvious to a person having ordinary skill in the art to use the teachings of Berger and Henegar, i.e., the use of identical ring parts for reducing the costs of manufacturing the coupling device and the use of concave and convex surfaces to increase the strength of the joining structures, to modify Silva's ring parts to increase the strength and reduce the overall manufacturing costs of the coupling.

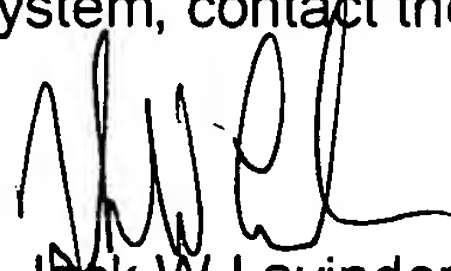
Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack W Lavinder
Primary Examiner
Art Unit 3677

7/23/05